

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING  
REGULAR SESSION  
COMMISSIONERS MEETING ROOM  
107 W. Locust Street, Suite 303  
Boonville, Indiana  
March 24, 2014  
4:00 P.M.

The Warrick County Commissioners met in regular session with Don Williams, President and Richard Reid, Vice President.

President Don Williams called the meeting to order.

Auditor Secretary, Angie Leslie, recorded the minutes. First Deputy Auditor, Allan James was in attendance.

PLEDGE OF ALLEGIANCE

**AREA PLAN COMMISSION**

**STREET CONSTRUCTION PLANS**

**PP-14-02 –Willow Estates Subdivision, Blue Heron Development, by Alan Bosma , Partner. Owner: Herbert P. Grimm.** 7.8296 acres located on the E side of Grimm Rd. 0' N of the intersection formed by Grimm Rd. and Willow Pond Rd. Ohio Twp. Requesting no improvements to Grimm Road or Willow Pond Road to be required. Also requesting no sidewalks to be required.

Don Williams: Alright, we have just a couple of things on the Area Plan, Sheila if you'd go ahead and present those.

Sheila Lacer: The first thing on the agenda is Street Construction Plans, it's for Primary Plat 14-02 Willow Estates Subdivision by Blue Heron Development, Alan Bosma is the Partner and the Owner is Herbert Grimm. It's seven point eight (7.8) acres located on the east side of Grimm Road at the intersection of Grimm and Willow Pond in Ohio Township. They are requesting no improvements to Grimm Road or Willow Pond Road and they are also asking for sidewalks to be waived.

Don Williams: How big are the lots?

Sheila Lacer: Um...it's an awfully small...they're all under about half an acre, its zoned R1-A and the Subdivision Control Ordinance requires subdivisions to have sidewalks. The planning commission has not heard this yet...well, they have heard it but it was continued because it hadn't received street and drainage plans, and so the Planning Commission will have to grant the waiver for the sidewalks. I don't know if they're going to do that or not. Guy Gentry normally wants them to have sidewalks so I don't see them granting a waiver. They do have it on their Certificate of Compliance though.

Bobby Howard: The cost for sidewalks is on the certificate.

Sheila Lacer: Yes.

Don Williams: Are they designed?

Bobby Howard: Yes.

Don Williams: Sidewalks are designed?

Bobby Howard: Yes.

Don Williams: Your waiver won't go very far then.

Bill Bivens: I was asked to ask that question.

Don Williams: Yeah, if they're designed it's...okay. Mr. Engineer, you got any comments?

Bobby Howard: Their street plans have been reviewed and they do meet general compliance with the Subdivision Control Ordinance so I would recommend approval.

Don Williams: Okay, they do have slow down lanes as far as turning in, that sort of thing designed in?

Bobby Howard: They have tapers...

Don Williams: That's what I mean.

Bobby Howard: That the MPO has reviewed the plan on the entrances and has signed off that they agree with what's been designed.

Don Williams: So they agreed to the tapers?

Bobby Howard: Yes.

Don Williams: Okay, do you have anything else you'd like to say Mr. Bivens?

Bill Bivens: No.

Don Williams: Okay, I'll entertain a motion.

Rick Reid: I'll make a motion to approve PP-14-02 approval.

Don Williams: Okay, I have a motion to approve PP-14-02 Willow Estate Subdivision Road Construction Plans. I'll second that motion. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Bill Bivens: Thank you.

#### **REQUEST FOR EXTENSION OF SURETY**

**Waterstone Village Sec. IV** by Maken Corporation, Danny Ubelhor, Pres. ~ Sidewalk Construction. Asking for a one year extension with no reduction of \$38,563.92. Has had LOC for six years. Expires 5/16/2014.

Sheila Lacer: Next on the agenda is Waterstone Village Section IV, Maken Corporation, Danny Ubelhor is the President. This is request for extension of their Letter of Credit for one (1) year on their sidewalks. They are asking for no reduction of the thirty eight thousand five hundred sixty three dollars and ninety two cents (\$38,563.92). They have had a Letter of Credit for six (6) years; this is just a normal extension. It's within the time frame allowed.

Don Williams: Steve, you got anything you want to add?

Steve Ubelhor: No.

Don Williams: Okay, entertain a motion.

Rick Reid: Motion to approve.

Don Williams: Second the motion. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Thank you, Sir, for being here.

Sheila Lacer: Thank you.

#### **APPROVAL OF MINUTES**

**February 10, 2014 @ 4:00p.m...Regular Session**  
**February 24, 2014 @ 4:00p.m...Regular Session**

Don Williams: Next on the agenda we got the Approval of Commissioner Minutes for February 10<sup>th</sup> and February 24<sup>th</sup> Regular Sessions. Have you had a chance to look these over?

Rick Reid: Yes I have and I'd like to do them both at the same time.

Don Williams: Okay, I'll entertain a motion then.

Rick Reid: Motion to approve the minutes of February 10<sup>th</sup> and the 24<sup>th</sup>.

Don Williams: I'll second that motion. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Okay, Tony, you're up, EMS Report.

#### **ITEMS FOR DISCUSSION**

##### **EMS Monthly Report**

Tony O'Neal: Tony O'Neal, St. Mary's Warrick EMS, I've got the Operational and Financial Report for February 2014. In February we had three hundred sixty seven (367) ambulance runs for the county, two hundred fourteen (214) of those went to local hospitals, we had one (1) interception of life flight up in the north east part of the county; we had fifty two (52) refusals, forty eight (48) hospital transfers, forty seven (47) of those were out of Warrick Hospital and one (1) was out of Gateway, we had nineteen (19) others which were disregards, no patient or dead on scene and thirty four (34) private runs. All of our customer satisfaction surveys came in satisfactory and we had a ninety nine percent (99%) success rate on our response time for the county. Any questions?

Don Williams: If I might ask, what was the formality for the life flight run? Was it an injury from an accident or...?

Tony O'Neal: Yes, it was a car accident, a lady hit a patch of ice and went off the road and hit a tree and yeah, she was pretty...

Don Williams: Severally injured, okay, thank you, I appreciate that. You have the Financials for us also?

Tony O'Neal: Yes I do. For February our collected revenue we were actually under budget by eleven thousand four hundred eighty dollars (\$11,480.00) but I think we'll see that in March come back for us. Our operational expense we were nineteen thousand two hundred five dollars (\$19,205.00) under budget for operational expense which puts us twenty four thousand dollars (\$24,000.00) under budget year to date for EMS service. I also wanted to just give a brief update on our refusal...we implemented that back in November, I wanted to kind of give you an update on that. Since November we've billed about ten thousand nine hundred dollars (\$10,900.00) in refusal charges. To date we've received about four thousand (\$4,000.00) of that.

Rick Reid: That's good

Tony O'Neal: We've seen our refusals go down an average of nine percent (9%) since we've implemented but the biggest thing is we've seen a forty two percent (42%) reduction in our repeat refusals and that's the key thing we were looking at to try to reduce, so I think that's going real well for us.

Rick Reid: It's in the right direction anyway.

Tony O'Neal: Yes.

Don Williams: Okay, do you have anything else you'd like to add?

Tony O'Neal: That's it.

Don Williams: Thank you for your report, I appreciate it.

Tony O'Neal: Thank you.

## **DEPARTMENTAL REPORTS**

### **COUNTY ADMINISTRATOR**

#### **Approval of Polling Sites for the Primary Election May 6, 2014 and the General Election November 4, 2014**

Don Williams: Okay, the next thing is County Administrator items, I think both of us have a list, Todd, do you have a list?

Todd Glass: Um-hm.

Don Williams: Okay, so let's look at those, the first item is the Polling Sites for the Primary Election March 6<sup>th</sup> and the General Election November 4<sup>th</sup>...

Rick Reid: May 6<sup>th</sup>...

Don Williams: I'm sorry, May 6<sup>th</sup> and November the 4<sup>th</sup>, thank you, if you'll look at your list there is only one (1) polling place that has changed from last election, that is next to the bottom one, Skelton 1, the Community Center cannot be used for the Primary Election but it can for the General so we can go ahead and approve the list for both but we'd have to approve it where Tennyson General Baptist Church would be used for Skelton 1 in the Primary so I'll entertain a motion to approve the list as presented for the Primary Election.

Rick Reid: I'll make a motion, as presented, for the polling sites.

Don Williams: For the Primary Election?

Rick Reid: Yes.

Don Williams: Okay, I have a motion, I'll second that motion. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Then also the polling sites for the General Election which is coming up November 4<sup>th</sup>, the only difference being Skelton 1 would be changed from Tennyson General Baptist Church back to the Community Center so I would make that motion to approve that with that change.

Rick Reid: So moved.

Don Williams: I need a second.

Rick Reid: Okay, I'd second it.

Don Williams: Okay, I have a motion and a second. All in favor say aye. I didn't mean to mess you up on that one.

Rick Reid: Aye.

Don Williams: Okay, so, that item is taken care of, we have a request...

Todd Glass: Mr. President, you voted?

Don Williams: I did. Aye if you didn't get that, Angie. You got that, right?

Angie Leslie: Right.

Don Williams: Well, the attorney didn't get it, listen up for it.

Todd Glass: She's quicker on the draw than I am.

Don Williams: She is; she's used to it.

Rick Reid: He's not used to voting anyway.

Don Williams: But I do well at it.

Rick Reid: Yep.

Don Williams: Okay, thank you.

**Request from Castle High School to Close Casey Road Between Oak Grove Road and Vann Road on May 23, 2014 from 7pm to 9:45pm for Commencement Exercises**

Don Williams: Okay, item two (2) we have a request from Castle High School to close Casey Road between Oak Grove and Vann Road on May 23<sup>rd</sup> from 7 to 9:45pm for Commencement Exercises. Is there someone here to represent this item? This is an item that...we're on number two (2) on your list; this item is an annual request, do I have a motion to approve?

Rick Reid: We've always done it before so yeah I'll make the motion to approve that, closing of Casey Road between Oak Grove and Vann.

Don Williams: Okay, I have a motion, I'll second that motion. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Roger, do you want to pick up on number three (3)?

**SWISA Soccer Tournament ~ Request for Red Brush Road as Temporary One-Way East between Vanada Road & SR 61**

Roger Emmons: Yes, Sir, thank you, number three (3) is the...it goes back several years, it's a request from Matt Brookman, he's a Director of the SWISA Soccer Tournament, they've had an annual Mother's Day Weekend Soccer Tourney for many years now. For safety sake and to move the traffic the Commissioners have approved their request many times in the past to have Red Brush Road as a temporary one-way east between Vanada and ALCOA Highway, 61. So, I just need...and Bobby knows to coordinate for the barricades and the signs they need, they've got them made up and I think the Sheriff is also aware of this annual event.

Don Williams: I certainly think Castle High School is aware of it for their commencement exercise also.

Rick Reid: That's a huge tournament too. I'll make a motion to approve that...the SWISA...

Don Williams: Okay, I have a motion, I'll second the motion, all in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

**Health Department Agreements for Professional Services  
Travis Alexander  
Dixie Brock**

Roger Emmons: The next item is Health Department Agreements; they are Agreements for Professional Services between Travis Alexander and Dixie Brock. Formally Alyssa Johnson was in there and she moved on and the Board of Health has decided to just split the duties of this with two (2) agreements instead of one (1). Each one is for twelve hundred (\$1,200.00) per month, it's out of the Indiana Local Health Department Trust Accounts Grant Money. They run from March 1<sup>st</sup> of this year to December 31<sup>st</sup> of this year. And the scope of services...the main scope has to do with the West Nile virus and also some septic tank inspections.

Don Williams: When are those contracts due to start? Whenever it's approved or...?

Roger Emmons: Yeah, they'll be retroactive to March 1<sup>st</sup>.

Don Williams: Is there anyone here from the Health Department to represent this?

Roger Emmons: I don't think they've ever...

Don Williams: Do you know the responsibilities for Mr. Alexander and Brock? You know the...?

Roger Emmons: Yes, they're in the scope of services.

Don Williams: They are?

Roger Emmons: They basically perform all services required to develop, direct and operate a public health awareness program for Warrick County to assist the Board in addressing public health concerns regarding the West Nile virus, transmission of it, vector control issues and then in addition to those duties they perform initial and follow up dye test for existing septic systems, access conditions of homes and properties upon which complaints have been submitted. Periodic inspections of newly installed or repaired septic systems and obtaining and submitting water samples from poorly draining areas. For example service water ditches where improper waste...

Don Williams: I know what their responsibility...are they sharing responsibilities?

Roger Emmons: Yes.

Don Williams: Where is Mr. Franz to answer these questions?

Roger Emmons: Well, I don't think they've ever submitted them before, they've just done them through me or whoever has been here but I think primarily I've helped...

Rick Reid: Do you want to table this until next meeting...?

Don Williams: No, not necessarily.

Roger Emmons: I mean these could be tabled to the next meeting if you'd like to have him attend.

Don Williams: I think in the future it'd be nice if he was here, I don't mind going ahead and approving them but...

Roger Emmons: Okay, I'll definitely let him know that. I agree with you.

Don Williams: It's up to you.

Rick Reid: Okay, I'll make the motion to approve that, the service agreement.

Don Williams: I'll second it. All in favor say aye.

Rick Reid: Aye.

Todd Glass: Mr. President, your vote?

Don Williams: What?

Todd Glass: Your vote?

Don Williams: Pay attention, Mr. Attorney.

Angie Leslie: I didn't hear it that time.

Todd Glass: Ms. Leslie didn't hear it that time.

Rick Reid: I heard it.

Don Williams: Aye.

Todd Glass: Thank you.

Don Williams: Pay attention.

#### **Estimate for S-14 Supplement from American Legal Publishing Corporation (ALPC)**

Roger Emmons: I do have one (1) last item and in fact this was transmitted to me by Ms. Leslie, it has to do...the S-14, I assume that stands for 'Supplement 14' for 2014.

Angie Leslie: Yes.

Roger Emmons: Our binder on our Code of Ordinances each...is it every other year or every year?

Angie Leslie: It's every year.

Roger Emmons: Every year they take the Ordinances from the past year and incorporate it, they prepare the pages, their insertion into your binder so the actual estimate, even though they consider a range of fifteen hundred (\$1,500.00) to two thousand (\$2,000.00), it was a pretty specific estimate of one thousand seven hundred ninety four dollars (\$1,794.00) and on that estimate they had listed all of the ordinances that they'd be doing. This has been approved several times and it does come in handy for the Code of Ordinances as a handy reference. I'm sure Todd uses his on a regular basis, I know I do.

Todd Glass: Very nice the way it's codified and organized with Angie's oversight.

Don Williams: Okay, I would make a motion to approve the annual Codification of the Ordinances.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Anything else, Mr. Administrator?

Roger Emmons: That's all I have Mr. President, thank you.

#### **COUNTY AUDITOR**

##### **Claims**

Don Williams: Mr. Auditor, you have anything, Sir? If you would do the Claims first, Payroll second.

Allan James: Allan James, First Deputy, Auditor's Office. Claims are one million one hundred seventy thousand ten dollars and forty one cents (\$1,170,010.41).

Don Williams: Okay, do you have any comments?

Rick Reid: No.

Don Williams: To entertain a motion?

Rick Reid: I'll make a motion to approve the claims.

Don Williams: I'll second it. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Allan James: Payroll, three hundred seventy thousand one hundred twenty one dollars and thirty cents (\$370,121.30). Three seven zero one twenty one thirty.

Don Williams: Okay, entertain a motion to approve.

Rick Reid: Motion to approve the payroll.

Don Williams: Second. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Allan James: Thank you.

## **COUNTY RECORDER**

### **Simplifile Contract**

Don Williams: County Recorder, Ms. Hughes.

Yvonne Hughes: Hello.

Don Williams: Hi.

Yvonne Hughes: This is Michelle Wisely from Simplifile and I'm here to get approval on going into a contractual agreement with Simplifile. It's an e-recording company and it would give more choices to more people out there as to do recordings via e-file, e-recording which means they're going to submit it to us over...

Michelle Wisely: Electronic.

Yvonne Hughes: Yeah, thank you, rather than having to mail it, Fed-Ex it or you can walk in.

Todd Glass: Mr. President, I have reviewed the contract with the Recorder and we've made some revisions, Simplifile was very easy to work with and they accepted all of my requested revisions. I believe it has the necessary liability disclaiming language and as I understand just adds another e-filing vendor for the county to offer to those individuals and organizations filing and recording documents through the Recorder's Office so the contract's in proper form.

Don Williams: Who pays the tab, the County or the person?

Yvonne Hughes: Ultimately the customer does because the customer goes to them and then they charge them whatever...I don't even know what they're going to charge.

Michelle Wisely: It's a no cost contact.

Don Williams: That's all I needed.

Yvonne Hughes: Thank you.

Don Williams: Okay, entertain a motion.

Rick Reid: Motion to approve.

Don Williams: Second. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye.

Yvonne Hughes: Thank you.

Michelle Wisely: Thank you.

Rick Reid: Thank you.

## **COUNTY PURCHASING**

### **Fuel Bids**

Don Williams: Mr. Grassman.

Joe Grassman: Joe Grassman, Purchasing Manager, I got a couple orders of business tonight, the first would be the opening and reading of the Fuel Bids.

Don Williams: I didn't bring that paperwork with me. While you're opening that let me go get that; it's right on my desk.

Joe Grassman: I issued invitations to bid to Heritage Petroleum, Cinergy Partners, Wabash Valley Services and Ackerman Oil. I received bids from three (3) of those companies and we'll start opening them in no particular order. This one is from Cinergy Partners. Okay, they bid every category so we'll start from the top of your page there. Item number one (1) unleaded gasoline firm, bid of two point eight zero nine zero (\$2.8090).

Don Williams: Now, is this the cost or is this the total bid?

Joe Grassman: The total bid price.

Don Williams: Okay, run that by me again.

Joe Grassman: Yeah, two point eight zero nine zero (\$2.8090), that's the firm bid for gasoline. Their flex bid for gasoline, item number two (2), two point nine three two nine (\$2.9329). We'll move to item number three (3) which is on-road diesel with a forty five (45) minimum C-tang rating. The firm bid for that would be...this is item number three (3); the firm bid would be three point one eight five zero (\$3.1850).

Don Williams: That's the firm?

Joe Grassman: That's the firm bid, yes. And then item number four (4), their flex bid for the same item is three point two two nine five (\$3.2295). We'll move on to off-road diesel, item number five (5), with a minimum C-tang rating of forty five (45), their total firm bid price is three point one eight eight zero (\$3.1880). Item number six (6), the flex price for the same item would be three point two three four five (\$3.2345). Now we'll move on to item number seven (7) which is on-road diesel with a minimum C-tang rating of fifty (50). Item number seven (7) their total bid price is three point two two four zero (\$3.2240) for the firm price and their flex price for the same product is three point three three four four (\$3.3344). Moving to item number nine (9), this is off-road diesel minimum C-tang rating of fifty (50) firm price three point two two seven zero (\$3.2270) and their flex price for the same item, three point three three four four (\$3.3344). Next bid is from Wabash Valley Service Company. Start off with their firm bid for gasoline, item number one (1), two point five three (\$2.53), their flex bid for gasoline item number two (2), two point nine four three (\$2.943). So move on to item number three (3) which is on-road diesel with a minimum C-tang of forty five (45), the firm price three point one one five five (\$3.1155), flex price for the same item three point two zero three (\$3.203). Moving on to item number five (5) which is off-road diesel, minimum C-tang forty five (45), firm bid three point one one nine (\$3.119) and the same item, a flex price three point two zero seven (\$3.207) and that's all the categories that they did.

Rick Reid: Hey Joe, that first one on the unleaded did you say two point five three (\$2.53)?

Don Williams: Yes.

Joe Grassman: On the very first...yes, two point five three (\$2.53).

Rick Reid: It jumped awful high with the flex at two nine four (\$2.94).

Joe Grassman: Excuse me?

Don Williams: It's just the way they bid it. Just the way it is.

Joe Grassman: The last bid I'm going to open and bid is from...

Don Williams: There was no 7, 8, 9 and 10 on that last one?

Joe Grassman: No, they didn't bid those categories.

Don Williams: Really? Okay.

Joe Grassman: This last bid is from Heritage Petroleum and it looks like they've also bid all of the categories so starting out with item number one (1) again gasoline, unleaded gasoline firm price three point zero zero four five (\$3.0045), flex price three point zero zero four five (\$3.0045).

Rick Reid: No difference.

Joe Grassman: Moving on to item number three (3), on-road diesel with a minimum C-tang rating of forty five (45) their firm price three point three one zero five (\$3.3105) and again their flex price is the same. Item number five (5) off-road diesel minimum C-tang forty five (45) firm price three point three one five five (\$3.3155)...excuse me...

Roger Emmons: Say that again.

Joe Grassman: Yeah, I'm going to say that again; it's three point three one nine nine (\$3.3199), I'm sorry, three point three one nine nine (\$3.3199), that's for item number five (5). And for the flex again is the same, for the same item, item number six (6). Item number seven (7), on-road diesel minimum C-tang of fifty (50) a firm price three point six five two zero (\$3.6520) and their flex price for the same item is again the same. Moving on to item number nine (9), the off-road diesel minimum C-tang fifty (50), firm bid is three point six five seven zero (\$3.6570) and their flex is again the same. As Purchasing Manager I think it would be my recommendation that you take these bids under advisement to give them some serious consideration for the next meeting.

Rick Reid: I'll make a motion to take those under advisement.

Don Williams: Second. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

**Lillpop Building Demolition Quotes**

Joe Grassman: I have one more...

Don Williams: You have one more item?

Joe Grassman: One more item of business, it's the demolition of the Lillpop building. I issued invitations to quote this project to Aigner Construction, Elliott Excavating, Stradtner Excavating, Holweger Construction, Krantz Excavating and Klenck Company and I've received three (3) responses and I'll start off with the first one on top here. This is Jerry Aigner Construction. The Aigner Construction bid is fifteen thousand nine hundred fifty dollars (\$15,950.00). The next bid is from Ray Stradtner Excavating their bid is thirty nine thousand eight hundred forty two dollars (\$39,842.00). The last bid I received is from Klenck Company bid twenty eight thousand dollars (\$28,000.00).

Don Williams: They mean they don't want it.

Joe Grassman: Apparently.

Don Williams: Cause tearing it down and hauling it off was only what fifteen (\$15,000.00)? Very interesting. Anything else?

Joe Grassman: That's all I have.

Don Williams: Alright, let's look at the matter of the Lillpop Demolition; the low bidder is Jerry Aigner Construction. Do you have any comments or do you have a motion, Commissioner?

Rick Reid: Do you want to just table that?

Don Williams: No, I don't.

Rick Reid: Okay, then let's go with the cheapest one.

Don Williams: I would agree with that.

Rick Reid: Okay, I'll make a motion to give the bid to Aigner at fifteen thousand nine fifty (\$15,950.00).

Don Williams: Okay, I'll second the motion to give the project to the low bidder, Jerry Aigner Construction. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Rick Reid: Do you have a question?

Bobby Howard: I hadn't seen the specs to that but we'd talked one time...was the Highway Department supposed to haul this off?

Don Williams: Yes.

Bobby Howard: And so I'll need to get with Mr. Aigner on what his schedule looks like then.

Joe Grassman: And we have to submit to the State a request for a permit to demolish so that's going to take a little time.

Bobby Howard: Okay.

Joe Grassman: That's all I have, thank you.

Rick Reid: Thanks, Joe.

**COUNTY ATTORNEY**

**Ordinance on Retiree Spouse Coverage for Health Insurance (2<sup>nd</sup> & 3rd Readings)  
(Ordinance No. 2014-09)**

Don Williams: County Attorney, you have three (3) or four (4) items for us?

Todd Glass: Yes, Mr. President some follow up from our last meeting, firstly we have the second and third reading for Ordinance 2014-09. That's an Ordinance regarding Medical Insurance for Retired County Employees and I'll just remind the commissioners that this just simply updates our Ordinance and Code of Ordinances to simply provide that spouses of retirees if they become employed during retirement and their employer provides insurance under our current plan they're ineligible to continue to receive our insurance so it's merely to update our ordinance to reflect our current plan and this is second and third reading.

Don Williams: Okay, do I have a motion?

Rick Reid: I'll make a motion for the second and third reading. Do we do both of them at once?

Don Williams: No.

Rick Reid: Okay, I make a motion for the second reading.

Don Williams: Well, you just got to make a motion; all we do is vote on it one (1) more time.



Rick Reid: Ordinance 2014-09.

Don Williams: Okay, I have a motion to approve Ordinance 2014-09 for the second and third reading. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

**ORDINANCE 2014-09  
AN ORDINANCE REGARDING MEDICAL INSURANCE  
FOR RETIRED COUNTY EMPLOYEES**

**WHEREAS**, Section 31.07 of the Code of Ordinances of Warrick County, Indiana provides the qualifications and requirements for a retiree employee and/or spouse of a retiree employee to obtain continuing health insurance under Warrick County's Health Insurance Program.

**WHEREAS**, effective January 1, 2014, the County's current insurance benefit plan ("Warrick County Plan") makes spouses of employee ineligible for coverage under the Warrick County Plan if said spouse has coverage available to them through his or her employer.

**WHEREAS**, the Board of Commissioners of Warrick County, Indiana desire to repeal and amend Subsections (O) and (P) of Section 31.07 of the Code of Ordinances of Warrick County for the purpose of complying with the Warrick County Plan effective January 1, 2014.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Warrick County, Indiana, as follows:


1. Section 31.07 of the Code of Ordinances of Warrick County is hereby amended as follows:
  - a. Subsection (O) of Section 31.07 of the Code of Ordinances of Warrick County is repealed in its entirety and amended to read as follows:

“(O) A retiree or spouse, if applicable, who otherwise is qualified for and has obtained retirement status, shall be ineligible for continued coverage under this Ordinance if, after retirement from the County, such person obtains employment through an employer that provides group health insurance. This section does not apply to retirees who qualify for and make the written notice of election to defer retiree coverage under Subsection (N) of this Section.”
  - b. Subsection (P) of Section 31.07 of the Code of Ordinances of Warrick County is repealed in its entirety and amended to read as follows:

“(P) Any retiree or spouse, if applicable, who shall hereafter terminate his insurance coverage with the County for whatever reason including, but not limited to, obtaining group health insurance with a subsequent employer, shall thereafter be forever ineligible to return to Warrick County's Health Insurance Program as provided in this Section. Deferred retiree coverage, for the purposes of this Subsection shall not be considered as a “termination” of insurance coverage.”
2. All other provisions of Section 31.07 of the Code of Ordinances of Warrick County shall remain in full force and effect.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF  
WARRICK COUNTY, STATE OF INDIANA, THIS 24<sup>TH</sup> DAY OF  
MARCH, 2014.**


BOARD OF COMMISSIONERS OF  
WARRICK COUNTY, INDIANA

  
Don Williams, President

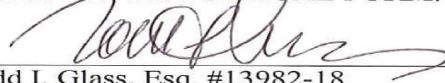
  
Richard A. Reid, Vice President

Marlin Weisheit, Commissioner

ATTEST:

  
Dixie Dugan, Auditor  
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

  
Todd I. Glass, Esq. #13982-18  
Fine & Hatfield, A Professional Corporation  
520 N.W. Second Street, P.O. Box 779  
Evansville, Indiana 47705-0779  
County Attorney

**Ordinance on Animal Control Charitable Fund (2<sup>nd</sup> & 3<sup>rd</sup> Readings) (Ordinance No. 2014-10)**

Todd Glass: Then we move on to Ordinance 2014-10, an Ordinance Establishing the Warrick County Animal Control Charitable Fund. This is also on second and third reading and is ready for Commissioner action.

Don Williams: Okay, I would make a motion to approve Ordinance 2014-10.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

**WARRICK COUNTY BOARD OF COMMISSIONERS  
ORDINANCE NO. 2014-10**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF  
WARRICK COUNTY, INDIANA**

**WHEREAS**, the Board of County Commissioners of Warrick County has determined that there is a need to establish a new charitable fund for the Warrick County Animal Control; and

**WHEREAS**, Indiana's Home Rule statute (Ind. Code § 36-1-3 *et. seq.*) grants the Board the power to create, by ordinance, as many funds as necessary to operate the County and the various departments or divisions of the County.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA THAT:

**Section 1. Creation of Warrick County Animal Control Charitable Fund.**

Warrick County Animal Control is hereby authorized to create a new charitable fund ("Charitable Fund"), whereby monetary charitable donations made payable to "Warrick County Animal Control" shall be placed in the Charitable Fund. The purpose of this Charitable Fund is to provide residents of Warrick County with the ability to make donations to the Warrick County Animal Control Department, to support and maintain its services which it provides to the residents of Warrick County.

The Charitable Fund shall be perpetual until terminated by another subsequent ordinance enacted by the Board of County Commissioners. In the event the Charitable Fund is terminated for any reason, then all proceeds from the terminated fund shall be distributed to the Warrick County Humane Society.

**Section 2. Effective Date of Ordinance.**

This Ordinance shall be effective upon passage

Adopted this 24<sup>th</sup> day of MARCH, 2014.

WARRICK COUNTY  
BOARD OF COMMISSIONERS

By:

Don Williams  
Don Williams, President

Richard A. Reid  
Richard A. Reid, Vice-President

Marlin Weisheit, Member

Attest:

Dixie Dugan, First Deputy Auditor  
Dixie Dugan, Auditor  
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

Todd I. Glass, Esq. #13982-18  
TODD I. GLASS, A Professional Corporation  
520 N.W. Second Street, P.O. Box 779  
Evansville, Indiana 47705-0779  
Telephone: (812) 425-3592  
County Attorney

**Ordinance No. 2014-11 on Verification of No Commercial Purposes for Access to Public Records Requests (1<sup>st</sup> Reading)**

Todd Glass: Thirdly, Mr. President, this is a first reading and a new Ordinance 2014-11, this has to do with Public Access to Records Act and the Auditor's Office...primarily the Auditor's Office dealing with an onslaught of requests for access to public records particularly from commercial enterprises many of which are from not only out of town but out of state. There's actually statutes in Indiana that have been passed recently that have tried to address the problem and it says that counties can pass an ordinance trying to restrict commercial enterprises indendating of county offices with requests for public records. Often these requests are meant to be taken by these commercial enterprises and then sold to individuals and make a profit from it. So what this ordinance does, Mr. President, is it complies with Indiana Code 5-14-3-3 and it provides that if our office holders determine that they believe the request is for commercial purposes then they can request a verification from the requesting party that it's not going to be used for commercial purposes. I don't know if it will really work but the idea is it will scare a lot of them off if they have to verify it. And so we've provided in the ordinance a form that the office holders of the county will send to the requesting party where they have to verify that they aren't going to do that. That will hopefully slow down some of these requests particularly for the Auditor's Office but also for other county offices too. The proposed ordinance is in front of you and it would be available for passage on first reading.

Don Williams: We need an ordinance number.

Roger Emmons: 2014-11.

Rick Reid: Yeah, it's on there.

Don Williams: It's not on mine...yeah, it's on the Ordinance.

Rick Reid: I'll make a motion to approve Ordinance 2014-11.

Don Williams: I have a motion; I'll second that. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Todd Glass: I would also point out, Mr. President, that effective July 1<sup>st</sup>, in the last legislative session that was just completed there is a new statute allowing for counties to charge for requests for access to public records that require office holders and departments to spend more than two (2) hours of time. Now, I'm going to look at that statute because we might even update the pending ordinance that you just voted on later, I've got to compare it with our current ordinance and resolutions on what we charge for copies to make sure that it doesn't run afoul of the new law but I did want the commissioners to know that there is a brand new law on that and we might actually adopt that also.

Rick Reid: Does Vanderburgh County have that too?

Todd Glass: I don't know if Vanderburgh County is as quick as we are to the starting line on this because I think...I don't know, but this is effective July 1<sup>st</sup>, it's not even effective yet.

Rick Reid: Okay.

Don Williams: And just for those out there who are saying 'what in the world is this all about', we're not trying to, you know if you have a request for personal data all you got to do is request it and make it specific and by law we give it to you but what we're getting is I think the last one was we had a company from Florida send a request for the last four (4) years of every purchase voucher that we had and that's what brings this all about; they got to be specific and individual so, okay, enough said.

Roger Emmons: Todd, does this need to come back the first meeting in April then...?

Don Williams: Yes.

Roger Emmons: For 2<sup>nd</sup> and 3<sup>rd</sup>...?

Todd Glass: Yeah, for 2<sup>nd</sup> and 3<sup>rd</sup>, the next agenda. And lastly, Mr. President, I would also mention and I've got a copy for the Commissioners if they wish to look at it but also in the legislative session was house and road act; house bill 1187 that Representative Bacon offered that dealt with disputes between municipal sewer districts so I do have that law which passed both house and senate and can explain that to the Commissioners if they wish.

Don Williams: Well, it doesn't change anything that the court decided.

Todd Glass: That's correct; the Newburgh, Chandler matter was exempted although my understanding is they have to get together and identify who's signed up for who as of right now but they will probably do that otherwise they have to go to the Indiana Utility Regulatory Commission.

Rick Reid: That's about six (6) months isn't it? That's kind of neat because the IURC does not regulate the sewers generally.

Todd Glass: Generally.

Don Williams: So this is a special assignment for them; it's usually done by the Indiana Department of Environmental Management as far as municipalities go.

Todd Glass: Would probably provide an impetus to resolve disputes as opposed to going to the commission.

Don Williams: And my understanding is those who have sewer systems already in and is in dispute they won't be penalized in any way for that supposedly.

Todd Glass: That's my understanding as to the Chandler/Newburgh issues, correct. That's all I had, Mr. President.

Don Williams: Okay, thank you very much.

**HIGHWAY ENGINEER**

Don Williams: Mr. Engineer, do you have anything, Sir?

Bobby Howard: No Sir, not tonight.

Don Williams: Do you have anything from Highway?

Bobby Howard: No, Sir.

Don Williams: Once again our men have done a great job over the winter. Make sure you convey our appreciation.

Bobby Howard: I will do so, thank you.

**COUNTY SHERIFF**

Don Williams: Sheriff, you have anything?

Sheriff Kruse: No, Sir.

**COMMISSIONERS ITEMS FOR DISCUSSION**

Commissioner Williams: Commissioner Reid, do you have anything?

Commissioner Reid: No, Sir.

Commissioner Williams: Does anyone else have anything they'd like to present to the board at this time? If not I'll entertain a motion.

Commissioner Reid: Motion to adjourn.

Commissioner Williams: We are adjourned. I second that.

\_\_\_\_\_  
DON WILLIAMS, PRESIDENT

\_\_\_\_\_  
RICHARD A. REID, VICE PRESIDENT

\_\_\_\_\_  
MARLIN WEISHEIT, MEMBER

ATTEST:

\_\_\_\_\_  
L.B. DUGAN, AUDITOR  
WARRICK COUNTY, INDIANA